

MuckRock News
DEPT MR 63464
411A Highland Ave
Somerville, MA 02144-2516
63464-66762790@requests.muckrock.com

Washington Public Records Act APPEAL

Spokane Police Department
Washington Public Records Act Appeal
808 W. Spokane Falls Boulevard
Spokane, WA 99201

December 19, 2018

This is a follow up to request number C000900-111218:

> In accordance with Section 6.5 of the City's Public Records Request policy, if you wish to appeal a determination to withhold information, you may petition in writing or by email to the City Clerk's Office for a review of the determination within sixty (60) days of the denial of access.

I am appealing these redactions under RCW 42.56.030. The titles of sections are not *specific* information and are therefore not acceptable for redaction. Additionally, given the choice to redact information that is clearly not allowed to be redacted, I contest the redaction of all remaining information.

Filed via MuckRock.com
E-mail (Preferred): 63464-66762790@requests.muckrock.com

For mailed responses, please address (see note):

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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Dec. 10, 2018:

These exemptions clearly violate the Washington State PRA. Please provide an unredacted version compliant with RCW 42.56.030:

"This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern."

On Nov. 30, 2018:

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Mr. Dukes:

This is a follow up to My November 19, 2018, response to you (copy attached) wherein I indicate the responsive document to your November 12, 2018, public records request is available for your inspection and copying by accessing your "My Request Center" account through the City's public records portal (GovQA). I notice your request indicates your preference is to receive the document by email attachment. For your convenience, I am attaching a copy of the responsive document to this email. As indicated in my November 19 message to you, some information in the document has been determined to be exempt from disclosure and has been redacted. Included as an attachment hereto is an exemption log which identifies the redacted information and the reasons for and statutes relied upon for withholding the information.

In accordance with Section 6.5 of the City's Public Records Request policy, if you wish to appeal a determination to withhold information, you may petition in writing or by email to the City Clerk's Office for a review of the determination within sixty (60) days of the denial of access. Please include a copy of, or reasonably identify, the part of the response to which you object. Your petition will be forwarded to the Hearing Examiner, who will consider the petition and either affirm or reverse the determination within ten (10) business days following the City's receipt of the petition, or within such greater period of time as the City and the requestor mutually agree to. You may obtain a court review of the denial of your request pursuant to RCW 42.56.520 at the conclusion of the two business days after the initial denial, regardless of any internal administrative review. The complete Public Records Request Policy may be accessed at the following website:

[https://my.spokanecity.org/administrative/public-records/<https://static.spokanecity.org/documents/openda](https://my.spokanecity.org/administrative/public-records/<https://static.spokanecity.org/documents/openda%20ta/policies/2018/admin-0260-17-03.pdf>)

We consider your request concluded; however, if we may be of additional assistance, please advise.

Sincerely,

[cid:image001.jpg@01CD222E.27F6AD10]

Terri L. Pfister, MMC | City of Spokane | City Clerk
808 W. Spokane Falls Boulevard, Spokane, WA 99201-3342

On Nov. 26, 2018:

I prefer to use email for all communication related to C000900-111218. Please confirm that all follow up communication, including record delivery if possible, will take place over email.

On Nov. 19, 2018:

Dear Joshua Dukes:

Thank you for submitting your public records request through The Spokane Public Records Center. We would like to invite you to take a short survey on your experience.

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Please click the following link if you would like to participate.

Customer Satisfaction Survey

(https://u4037834.ct.sendgrid.net/wf/click?upn=L5asTq9oAWi6tKrRmhm-2FjZPPR-2B2QX-2FZU52vgspOQDej6uxymnlF1pDXa62Cz-2BgGRkbYyIj-2FwRDALmknVTzjIPxBcN7kwfALdfGxKRqdtIJ8WGSHPdq5bwPHsxYR5WTcUuaFuOu2EbQebTDWguVpP0p6IvBMlUPzYoUSqzh4vhVNlbkRdQirQd92ZbflRLTBz_g4qrWmFJ40tENFuYmgTijVaphcI-2FI-2Fai1lkqLOu821rWfeESopvnwFzBqEIWvCo1LAK3d6DD-2FJD3MJmXy4rQQE4C4ltn6GooYZbh7ktrmD6coNHUAIrmgLejc8-2FmZj8Bqv-2Fs0KzKW6F7nn1KJaAZtuwaZbfjk-2BPR-2BrhEBYtuseM0AGbJK2dFuUxBLZBeWjm8HdORjUBA7YqXeVQNqs1aflQvWLdYtYvgmuCi2HLWrSvdRc8icsjCUkKaVkXUb2l0)

We appreciate your feedback. Thank you.

On Nov. 19, 2018:

You have a new message available through the Spokane Public Records Center. This is a system-generated email notification. Please log in to the Spokane Public Records Center to view and reply to this message. Please DO NOT REPLY to this email.

In accordance with the Public Records Act (PRA), RCW 42.56.520, this message acknowledges receipt of your PRA request, received by the City of Spokane on November 12, 2018. This request has been assigned tracking number C000900-111218. Please use this number in any communications concerning this request.

Your request states: To Whom It May Concern:"

Pursuant to the Washington Public Records Act, I hereby request the following records:

The June 2016 revision of "The Spokane Police Department Defensive Tactics Manual"

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

The responsive document located by Police Department staff is available for your inspection and copying by accessing your "My Request Center" account through the City's public records portal (GovQA).

Some information in the document has been determined to be exempt from disclosure and has been redacted. Included also for inspection/copying through your "My Request Center" account on the City's public records request portal is an exemption log which identifies the redacted information and the reasons for and statutes relied upon for withholding the information.

In accordance with Section 6.5 of the City's Public Records Request policy, if you wish to appeal a determination to withhold information, you may petition in writing or by email to the City Clerk's Office for a review of the determination within sixty (60) days of the denial of access. Please include a copy of, or reasonably identify, the part of the response to which you object. Your petition will be forwarded to the Hearing Examiner, who will consider the petition and either affirm or reverse the determination within ten (10) business days following the City's receipt of the petition, or within such greater period of time as the

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City and the requestor mutually agree to. You may obtain a court review of the denial of your request pursuant to RCW 42.56.520 at the conclusion of the two business days after the initial denial, regardless of any internal administrative review. The complete Public Records Request Policy may be accessed at the following website:

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(https://u4037834.ct.sendgrid.net/wf/click?upn=L5asTq9oAWi6tKrRmhm-2FjcsUC-2FMR9pBcfdAjNpKRc5R0bv0nJTAJ7Ko-2BtshGF6t6ws6tUmLt0LH2HyxP8GntznpkGd2EIOPR9bewwyHC4-2FGpHJ3lgBrlnbWNTj5Z2Qeb_g4qrWmFJ40tENFuYmgTijVaphcI-2FI-2Fai1lkqLOu821rWfeESopvnwzfBqEIWvCo1HUvXu66pVLpIKGKRCN94t9cL-2BekEX1CpFG66MQTC5GrNyflU5jteyhcxHjZID75gYPoUO245WKQElOpQdoPGPJDLQKWCLIKjWKbRlP-2FhTDzZ6cTgW01bIOgiewVRW4aTTzS52l0uWR5tL0Z2aQHUT-2BnhWtsByjD1XpWkxg6LWezAOHj8BS8airnv81ho9OEB)

This concludes our response to your request.

Sincerely,

Terri Pfister

Spokane City Clerk

To monitor the progress or update this request please log into the Spokane Public Records Center

(https://u4037834.ct.sendgrid.net/wf/click?upn=L5asTq9oAWi6tKrRmhm-2FjZPPR-2B2QX-2FZU52vgspOQDej6uxymnIF1pDXa62Cz-2BgGRPtM12BgUFEUARP-2B-2BJIYKMG82L5GqyQLDMBnswhq7dVPb181gq3r5rqC6xUQj1Gi6GVESJjRREZfms79RjuFK2g-3D-3D_g4qrWmFJ40tENFuYmgTijVaphcI-2FI-2Fai1lkqLOu821rWfeESopvnwzfBqEIWvCo1HUvXu66pVLpIKGKRCN94tyHWJN9950dTmDMm2iVWmzbO0wd8t3ugb0nL2oucsXLU73jsRwvdyeGYw7dEYjKieK7HVo3qvkINA7JHxzwsEQlGvHO5ifVyc50irlznIeb30t0dH2iD5JhAX7-2FoDrv1q24Y-2FR3RL9oPi1juUu-2FvDanIE5LJtxjz3qQPkpzI8OG)

On Nov. 6, 2018:

To Whom It May Concern:

Pursuant to the Washington Public Records Act, I hereby request the following records:

The June 2016 revision of "The Spokane Police Department Defensive Tactics Manual"

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Joshua Dukes

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